

REMARKS

Claims 1-17 were examined by the Office, and in the Office Action of April 16, 2007 all claims are rejected. With this response claims 1-7 and 9-17 are amended, claim 8 is cancelled and claims 18-20 are added. All amendments and new claims are fully supported by the specification as originally filed. Support for the amendments to the claims and new claims 18-20 can be found at least from page 9, line 15—page 11, line 4; and Figures 4 and 5.

Applicant respectfully requests reconsideration and withdrawal of the objections and rejections in view of the following remarks.

Claim Objections

Claims 2-6 and 9-13 are amended to place “A” with “The” as suggested by the Office. As such, applicant respectfully requests withdrawal of the objections to claims 2-6 and 9-13. The objection to claim 8 is moot in light of the cancellation of claim 8.

Claim Rejections Under § 101

Claims 15 and 17 are amended to recite “a computer program product comprising a computer readable storage structure embodying computer program code,” and are believed to in the proper statutory format.

Claim Rejections Under § 102

In section 9, on page 3 of the Office Action, claims 1, 4-7, 9 and 11-17 are rejected under 35 U.S.C. § 102(e) as anticipated by Ogle et al. (U.S. Patent No. 6,430,604). Independent claims 1, 7 and 14-17 are amended to include limitations from cancelled claim 8, namely transmitting a session initiation protocol request. On page 12 of the Office Action, the Office acknowledges that Ogle does not teach that the message is a session initiation protocol message and relies upon Henrikson et al. (U.S. Patent No. 6,870,916) for this teaching. However, applicant respectfully submits that the cited references, alone or in combination, fail to disclose or suggest all of the limitations recited in claim 1.

In contrast to claim 1, Henrikson does not disclose or suggest that a communication terminal receives a failure response including routing details and forward data according to the

routing details. Instead, Henrikson discloses that confirmation of users and resources is checked before establishing a conference call. See Henrikson column 8, lines 21-27. In Henrikson, the server confirms that all participants are available before beginning the call. Therefore, there is no need for alternative delivery mechanisms if confirmation of availability of the participants has already been established. As such, there is no mention in Henrikson of a failure response that includes routing details, instead there is only an inquiry as to whether the initiator of the conference call would like to continue. Claim 1 recites that a session initiation protocol request for establishing communication, and a server for responding to the request in failure situations by returning rerouting details in order to allow for further forwarding of data. Therefore, contrary to the assertions of the Office, one of skill in the art would not be motivated based on the teachings of Henrikson to include session initiation protocol messages in the system disclosed by Ogle to arrive at the limitations recited in claim 1. For at least this reason, claim 1 is not disclosed or suggested by the cited references, either alone or in combination, and applicant respectfully requests withdrawal of the rejection to claim 1.

Independent claims 7 and 14-17 are amended in a manner similar to claim 1, and therefore for at least the reasons discussed above in relation to claim 1 are not disclosed or suggested by the cited references.

Claims 4-6 and 11-13 all ultimately depend from independent claim 1, and therefore are not disclosed or suggested by the cited references at least in view of their dependencies.

Claim Rejections Under § 103

In section 25, on page 11 of the Office Action, claims 2 and 10 are rejected under 35 U.S.C. § 103(a) as unpatentable over Ogle in view of Berger (U.S. Appl. Publ. No. 2004/0203567). Claims 2 and 10 ultimately depend from independent claim 1, and therefore are not disclosed or suggested by the cited references at least in view of their dependencies.

New Claims 18-20

New independent claim 18 contains limitations similar those recited in independent claim 14 in non-means plus-function format. Therefore, claim 18 is believed to be novel and

nonobvious over the cited references at least for the reasons discussed above in relation to claim 14.

New claim 19 depends from new independent claim 18, and therefore is believed to be novel and nonobvious over the cited references at least in view of its dependency.

New independent claim 20 contains limitations similar those recited in independent claim 16 in non-means plus-function format. Therefore, claim 20 is believed to be novel and nonobvious over the cited references at least for the reasons discussed above in relation to claim 16.

Conclusion

For at least the foregoing reasons, applicant respectfully submits that the present application is in condition for allowance and such action is earnestly solicited. The undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

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